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10/713,580	11/12/2003	Woo Seong Yoon	1630-0412PUS1	2013
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EXAMINER				
DINH, KHANH Q				
ART UNIT		PAPER NUMBER		
2451				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/713,580

Applicant(s)

YOON ET AL.

Examiner

Khanh Q. Dinh

Art Unit

2451

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-11, 17, 20-22, 30-36, 39, 42-50 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11, 17, 20-22, 30-36, 39, 42-50 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/6/10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Remarks filed 10/22/2010. Claims 1, 4-11, 17, 20-22, 30-36, 39, 42-50 and 52-54 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-11, 17, 20-22, 30-36, 39, 42-50 and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al., US Pub. No.20050251749.

As to claim 1, Lamkin discloses a method for reproducing contents information in an interactive optical disc device, comprising the steps of:

(a) synchronously reproducing data read from recording medium and contents information sent and downloaded from a contents provider server connected via the Internet, said content information being associated with the data read from the recording medium (synchronizing the playback of data information both network and readable medium, see abstract, figs.1, 2, [0034] to [0041] and claim 1);

b) sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed (sending contents information if the contents server provider is suspended or delayed, see [0047] to [0053] and claims 1 and 3); and c) synchronously reproducing said specific contents information re-sent from said contents provider server in response to said command and data read from said recording medium (optical disc) (re-synchronizing and reproducing said data read from said interactive optical disc and re-sent specific contents information based upon the extracted specific information, see [0054] to [0066] and [0078] to [0083] and claim 1);

wherein said specific information contained in said normally reproduced last contents information includes at least one contents information offset information, and offset information of said data read from said recording medium (reproduced content information including offset information read from interactive optical drive, see [0106] to [0110] and [0115] to [0118] and claim 2),

and wherein said step b) includes the steps of: b-1) checking said specific information contained in said normally reproduced last contents information if the reception of said contents information from said contents provider server is suspended or delayed, b-2) calculating information regarding re-synchronizable contents information based upon said checked specific information, and b-3) generating as said command a command for requesting re-sending of specific

contents information corresponding to the calculated information regarding said re-synchronizable contents information and sending the generated command to said contents provider server (see Lambkin's claim 3).

As to claim 4, Lamkin discloses said information regarding said re-synchronizable contents information is calculated with reference to a bandwidth of a current network bit rate (see claim 4).

As to claim 5, Lamkin discloses, wherein said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being said information regarding said re-synchronizable contents information (see claim 5).

As to claim 6, Lamkin discloses extracting said specific information from said specific contents information re-sent from said contents provider server, and re-synchronizing and reproducing said data read from said recording medium and said re-sent specific contents information based upon the extracted specific information (see claim 6).

As to claim 7, Lamkin discloses receiving a command for notification of the re-sending of said specific contents information from said contents provider server before said step is performed (see claim 7).

Claim 8 is rejected for the same reasons set forth in claim 1. As to the added limitation, Lamkin discloses determining whether a size of contents information downloaded into a buffer memory of said recording medium device and not yet reproduced is below a predetermined reference value, if the reception of said contents information from said contents provider server is suspended or delayed, automatically pausing a data reproducing operation of said recording medium if the size of said contents information downloaded into said buffer memory and not yet reproduced is below said predetermined reference value; and sending said command for requesting the re-sending of said specific contents information to the said contents provider server, with reference to said specific information contained in said normally reproduced last contents information (see claim 8).

As to claim 9, Lamkin discloses checking said specific information contained in said normally reproduced last contents information, calculating information regarding contents information subsequent to said normally reproduced last contents information based upon the checked specific information and generating as said command a command for requesting re-sending of specific contents information corresponding to the calculated information and sending the generated command to said contents provider server (see claim 9).

As to claim 10, Lamkin discloses said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being said

information regarding said contents information subsequent to said normally reproduced last contents information (see claim 10).

As to claim 11, Lamkin discloses receiving a command for notification of the re-sending of said specific contents information from said contents provider server; after said re-sending notification command is received, extracting said specific information from said specific contents information re-sent from said contents provider server; and resynchronizing and reproducing said data read from said recording medium and said re-sent specific contents information based upon the extracted specific information (see claim 11).

As to claims 17 and 25, Lamkin discloses a method for reproducing contents information in an interactive optical disc device, comprising the steps of: a) downloading offset table information from a contents provider server connected via the Internet, said offset table information including at least one play back time information, offset information of data read from a recording medium and contents information offset information in a linked manner (synchronizing the playback data of both network and readable medium, see abstract, figs.1, 2, abstract, [0034] to [0041] and claim 1); b) reproducing contents information sent and downloaded from said contents provider server and data read from an said recording medium, said contents information being associated with the data read from the recording medium (see [0047] to [0053] and claims 1-3); and

c) sending a command for requesting re-sending of specific contents information to the contents provider, with reference to said offset table information, if the sending of said contents information from said contents provider server is suspended or delayed (see [0054] to [0066] and [0078] to [0083] and claim 3); and

d) reproducing said specific contents information re-sent from said contents provider server in response to said command together with data read from said interactive optical disc while re-synchronizing it with said data read from said recording medium (see [0054] to [0066] and [0078] to [0083]),

c-1) extracting information regarding normally reproduced last contents information from said offset table information if the sending of said contents information from said contents provider server is suspended or delayed; c-2) calculating information regarding re-synchronizable contents information based upon the extracted information and c-3) generating a command for requesting re-sending of specific contents information corresponding to the calculated information regarding said re-synchronizable contents information and sending the generated command to said contents provider server (see [0054] to [0066] and [0078] to [0083] and claim 19).

As to claim 20, Lamkin discloses said information regarding said re-synchronizable contents information is calculated with reference to a bandwidth of a current network bit rate (see [0054] to [0066] and [0078] to [0083]).

As to claim 21, Lamkin discloses said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being said

information regarding said re-synchronizable contents information (see [0107] to [0113]).

As to claim 22, Lamkin discloses said step d) includes the steps of: d-1) receiving a command for notification of the re-sending of said specific contents information from said contents provider server; and d-2) after said re-sending notification command is received, reproducing said specific contents information re-sent from said contents provider server together with said data read from said interactive optical disc while re-synchronizing it with said data read from said interactive optical disc (see [0054] to [0066] and [0078] to [0083]).

As to claim 30, Lamkin discloses a method for reproducing contents information in a device, comprising the steps of: a) synchronously reproducing data read from a recording medium and contents information sent and downloaded from a contents provider server connected via the Internet, said contents information being associated with the data read from the recording medium (synchronizing the playback data information of both networks and readable medium, see abstract, figs.1, 2, abstract, [0034] to [0041] and [0161] to [0167] and claim 1); and b) sending a command for requesting adjustment of a contents information bit rate along with capacity information associated with a buffer memory of said device to said contents provider server, if a size of contents information downloaded into a buffer memory of said recording medium device and not reproduced yet is smaller than or equal to a first predetermined

reference value or greater than or equal to a second predetermined reference value (see [0054] to [0066] and [0078] to [0083] and claim 30),

when contents information from the contents provider server is received at an adjusted bit rate, resume synchronously reproducing data read from the recording medium and the received contents information (see claim 36).

As to claim 31, Lamkin discloses said step a) includes the steps of: a-1) over said Internet, attempting a connection to said contents provider server having said contents information to be reproduced synchronously with said data read from said recording medium (see [0054] to [0066]); a-2) generating a command for requesting sending of said contents information, based upon information necessary for the connection sent from said contents provider server, and sending the generated command to said contents provider server; and a-3) synchronizing and reproducing said contents information sent and downloaded from said contents provider server in response to said sending request command and said data read from said recording medium (see [0054] to [0066] and [0078] to [0083]).

As to claim 32, Lamkin discloses said information necessary for the connection sent from said contents provider server includes an Internet protocol (IP) address and port number of said contents provider server (see [0161] to [0168] and [0172] to [0174]).

As to claim 33, Lamkin discloses said command for requesting the adjustment of said contents information bit rate includes a parameter, said parameter being an available memory size of said buffer memory (see [0161] to [0168] and [0172] to [0174] and claim

30).

As to claim 34, Lamkin discloses a method for providing contents information in a contents provider server, comprising the steps of:

a) sequentially sending contents information whose sending is requested by an interactive optical disc device connected via the Internet, said contents information being associated with the data read from the recording medium (synchronizing the playback of both network and readable medium, see abstract, figs.1, 2, abstract, [0034] to [0041] and [0161] to [0167] and claims 1-3); and b) adjusting the bit rate from the device, calculating a bit rate in consideration of capacity information associated with a buffer memory of said device, a current bit rate and a play speed of said contents information, in response to a command for requesting adjustment of a contents information bit rate is received from said interactive optical disc device and sending the requested contents information at the calculated bit rate, the capacity information being included in the command (see [0054] to [0066] and [0078] to [0083] and claims 30, 34).

As to claim 35, Lamkin discloses said step a) includes the steps of: a-1) sending information necessary for the connection to said device if a connection from said device is requested over said Internet, and a-2) sequentially sending said contents information whose sending is requested by said device, if a command for requesting sending said contents information is received from said device (see [0054] to [0066] and [0078] to [0083]).

As to claim 36, Lamkin discloses said information necessary for the connection includes

an IP address and port number of said contents provider server (see [0054] to [0066] and [0078] to [0083]).

Claims 39, 42-50, 52-54 are rejected for the same reasons set forth in claims 1, 4, 5, 6, 7, 8, 9, 10, 11, 17, 20-22 respectively.

Response to Arguments

3. Applicant's arguments filed 10/22/2010 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose "sending a command for requesting re-sending of specific contents information to the contents provider, with reference to said offset table information, if the sending of said contents information from said contents provider server is suspended or delayed".

Examiner respectfully disagree. Examiner respectfully point out that Lamkin clearly discloses sending a command for requesting re-sending of specific contents information to the contents provider, with reference to said offset table information, if the sending of said contents information from said contents provider server is suspended or delayed (see [0054] to [0066] and [0078] to [0083] and claim 3) as rejected above.

- Applicant assert that the cited reference does not disclose "sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained

in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed".

Examiner respectfully point out that Lamkin clearly discloses "sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed (sending contents information if the contents server provider is suspended or delayed, see [0047] to [0053] and claims 1 and 3) as rejected above.

- Applicant asserts that there is no mention of "time stamp" in Lamkin reference.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., time stamp) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- Applicant further asserts that it is improper to base a rejection solely on the contents of a reference's claims according *In re Benno*, 226 USPQ 683, 786 F.2d 1340.

Examiner respectfully point out that Examiner cited the Lamkin's reference based on both specification and claims (as rejected above), not the claims alone. The Lamkin reference clearly discloses the Applicant discloses the Applicant's claims; therefore, the use of Lamkin reference in the rejection is proper and respectfully maintained.

As a result, cited prior art does disclose a method for reproducing contents information in a device, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

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Art Unit: 2451

/Khanh Dinh/

Primary Examiner, Art Unit 2451